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U.S. Department of Labor "Plan/Prevent/Protect"

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Employers and others must "find and fix" violations -- that is, assure compliance -- before a Labor Department investigator arrives at the workplace. Employers and others in the department's regulated communities must understand that the burden is on *them* to obey the law, not on the Labor Department to *catch them* violating the law. This is the heart of the Labor Department's new strategy.

We are going to replace "catch me if you can" with "Plan/Prevent/Protect."

In various ways, employers and other regulated entities will be asked to assemble plans, create processes, and designate people charged with achieving compliance. They will be required to implement these plans and evaluate their effectiveness in achieving compliance. While the Labor Department can be flexible about which path is chosen to achieve compliance, compliance will be non-negotiable under the "Plan/Prevent/Protect" strategy.

Historically, worker protection agencies have developed compliance programs targeted at specific workplace risks and hazards. The department's latest Regulatory Agenda contains new regulations, discussed in greater detail below, that will require employers and other regulated entities to improve the content, implementation, and evaluation of these existing, hazard-specific protection plans and programs.

The "Plan/Prevent/Protect" strategy will require all regulated entities to take three steps to ensure safe and secure workplaces and compliance with the law:

"Plan": A proposed requirement that employers and other regulated entities create a plan for identifying and remediating risks of legal violations and other risks to workers. For example, a plan to search their workplaces for safety hazards that might result in injury or death. The employer or other regulated entity would provide their employees with opportunities to participate in the creation of the plans. In addition, the plans would be made available to workers so they can fully understand them and help to monitor their implementation.

"Prevent": A proposed requirement that employers and other regulated entities thoroughly and completely implement the plan in a manner that prevents legal violations. The plan cannot be a mere paper process. The employer or other regulated entity can't draft a plan and put it on a shelf. The plan must be fully implemented for the employer to comply with the "Plan/Prevent/Protect" strategy.

"Protect": A proposed requirement that the employer or other regulated entity ensures the plan's objectives are met on a regular basis. Just any plan will not do. The plan must actually protect workers from violations of their workplace rights.

Employers and other regulated entities who fail to take these steps to address comprehensively the risks, hazards and inequities in their workplaces will be considered out of compliance with the law and, depending upon the agency and the substantive law it is enforcing, subject to remedial action. Employers, unions and others who follow the Labor Department's "Plan/Prevent/Protect" strategy will assure compliance with employment laws before Labor Department enforcement personnel arrive at their doorsteps. Most important, they will assure that workers get the safe, healthy, diverse, family-friendly, and fair workplaces they deserve.

Fun Facts

- 135 years ago: The domestic refrigerator was invented.
- 113 years ago: The first virus was found in both plants and animals.
- 103 years ago: Cellophane was invented.
- 98 years ago: PVC (polyvinyl-chloride) was patented.
- 73 years ago: Otto Hahn discovered nuclear fission by splitting uranium; Teflon was invented.
- 63 years ago: Velcro was invented.
- 44 years ago: An all-female population of lizards was discovered in Armenia.
- 41 years ago: The computer mouse was patented.
- 33 years ago: The first test-tube baby was born in England; Pluto's moon, Charon, was discovered.
- 23 years ago: First patent for a genetically engineered mouse was issued to Harvard Medical School.

If you have questions, comments, or a topic you would like to see addressed:
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